

**DEPARTMENT OF THE ARMY**  
**Headquarters, 1st Battalion, 43d Air Defense Artillery (AMD)**  
**Unit 15692**  
**APO, AP 96275**

EAAD-AAZ

8 February 2007

MEMORANDUM FOR All 1-43d Air Defense Artillery Battalion Assigned Soldiers and Civilians

SUBJECT: Command Policy #14 – Incident Reporting

1. References

- a. Army Regulation (AR) 600-20, Army Command Policy, 1 February 2006
- b. United States Forces Korea (USFK) Regulation 190-40, Serious Incident Reporting
- c. AR 195-2, Criminal Investigation Activities, 30 October 1985
- d. 35th ADA Brigade Policy Letter # 4, CCIR and Mandatory CID Reporting, 1 February 2007
- e. 35th ADA Brigade Policy Letter #12, Incident Review Council, 10 February 2006

2. Purpose. To establish policy and procedures for Serious Incident Reports (SIR) and Command Critical Information Requirements (CCIR) within the battalion and to establish the procedures and timelines associated with reporting.

3. General. Many incidents which would generate minimal command interest in other locations are much more important in the Korean Theater of Operations. Incidents involving US Army personnel can have strategic significance based upon local response. Commanders will exercise an increased level of concern with regard to incidents involving 35<sup>th</sup> ADA personnel or assets. This memorandum addresses those concerns and establishes procedures for information reporting.

a. SIR. A Serious Incident Report is a report of an actual or alleged incident, accident, instance of misconduct, act, or condition (criminal or non criminal) that warrants timely notice to the Commander, USFK, because of its nature, publicity, or potential consequences. The incident will be reported regardless of the rank or position of the personnel involved.

b. CCIR. Command Critical Information Requirements identify time sensitive information needed by the commander. They help focus the response of subordinates and staff, assist in the allocation of resources, and assist the staff officers in making recommendations.

4. Procedures: Subordinate units will establish internal procedures to ensure compliance with this memorandum through the lowest level command. These procedures must be of sufficient detail to preclude omissions in the reporting process. The reporting procedures are as follows:

a. Command. Battery/Company commanders will provide verbal reports through Battalion Commanders to the Brigade Commander. Battery/Company commanders will also provide verbal reports to their Battalion Operations Centers.

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<http://8tharmy.korea.army.mil/35ada/1-43ada>

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b. Operations. BN Operations Centers provide an initial verbal 5W report (Who, What, Where, When, Why) to the BDE BOC. The BN Operations Center will follow up with a written 5W report (enclosure) sent via NIPR to the Brigade Operations Center (BOC). While every effort must be made to ensure accuracy the key element of the initial report is timeliness. The BOC NCOIC will verify the information within the report for content and accuracy with the Brigade Deputy Commander/Executive Officer before submitting it to Eighth Army. Only reports related to Eighth Army SIR/CCIR will be forwarded unless otherwise directed by the Brigade Commander. The BOC will maintain a current list of Eighth Army SIRs and CCIRs. Reports submitted to Eighth Army will be in the 5W format unless the DCO/ BDE XO direct otherwise.

c. Follow-up reports will be used to update or correct information previously submitted or to complete reporting on information not known at the time of the initial report. This report will be initiated by the Battery/Company Commander and transmitted via Operations Channels.

d. Distribution of SIR/CCIR information will be limited to the Operations and Command Channels listed in this policy letter. For incidents involving misconduct or injury to Korean nationals notify the Brigade Trial Counsel. If necessary, the Battalion/Brigade Chaplain will be notified to ensure spiritual needs for both victims and family members are taken care of as soon as possible. Release of information to other individuals or agencies will be only with the commander's approval.

e. Reporting requirements. SIR/CCIR are reported immediately, regardless of time of day, through operation channels. SIR/CCIR are reported immediately, regardless of time of day through command channels unless otherwise identified in this policy. If these specified incidents occur after 2200, they are reported at 0800 the next calendar day.

f. Incident Review Council (IRC). SIRs and CCIRs marked with an asterisk (\*) require an IRC IAW 35<sup>th</sup> ADA Brigade Policy Letter #12. Battalion commanders will hold additional IRCs as necessary.

5. Serious Incidents: At a minimum, the following incidents will be reported as an SIR:

a. Accidents

(1) Any Accident with serious injury (limb, sight, overnight hospital) or damage in excess of \$10K

(2) Any 35th BDE GOV/Tactical/POV vehicle accident.

(3) Accidents involving a ROK National or their property.

5W	IRC
Y	Y
Y	Y
Y	Y

b. Demonstration / Civil Disturbance

5W IRC

(1) Violent demonstration/civil disturbance in the vicinity of a U.S. or ROK installation.

Y	N

(2) Any penetration of a U.S. Military Compound by protesters, etc.

Y	N

c. Loss or theft of high value or sensitive military equipment

5W IRC

Y	Y
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d. Status of 35th ADA Brigade Soldiers (including KATUSAs), civilians, and dependents.

5W IRC

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(1) Admitted overnight at a hospital

Y	N

(2) Death, to include suicide

Y	Y

(3) Suicide Gesture

Y	N

(4) Suicide Ideations

(1-43 ADA)

Y	N

e. Misconduct

5W IRC

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(1) Serious criminal activity (murder, robbery, burglary, drugs, embezzlement greater than \$1K, escape from custody, hit & run).

Y	Y

(2) Any incident involving weapons (weapons defined in USFK Reg 27-5) (i.e. AWOL with weapon, illegal possession of weapon).

Y	Y

(3) Any assault, including sexual assaults, involving Korean nationals or KATUSAs

Y	Y
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f. Force Protection

(1) Terrorist incident involving any ROK or US Personnel, family member, installations or facilities.

(2) Validated bomb threat against any ROK or US facilities.

(3) Validated threatening substance, object or activity in or around any ROK or US facility.

(4) Any violation of the Armistice Agreement or Armistice Rules of Engagement

5W	IRC
Y	N
Y	N
Y	N
Y	N

6. CCIR: The following list is not inclusive. At a minimum, the following incidents will be reported. Bold items are items that do not require notification through command channels immediately. They are reported at 0800 the next calendar day. Always report CCIR immediately to BN Operation Centers.

a. Operations

(1) Receipt of higher headquarters deployment notification, mobilization unit notification, or orders/messages.

(2) Any change in Force Protection Condition.

(3) Natural disasters affecting ROK or US facilities.

(4) Higher headquarters commander or CSM visit.

(5) Any COMSEC incident.

5W	IRC
Y	N
Y	N
Y	N
Y	N
Y	Y

**(6) PATRIOT System Outages**

**(a) 12 Hour Mark for PATRIOT System.**

**(b) Loss of coverage of a PATRIOT Fire Unit.**

**(c) 3 NMC Launchers in a PATRIOT Fire Unit.**

**(d) 1 NMC PAC III ELES Launcher in a PATRIOT Fire Unit.**

N	N

b. Misconduct

(1) Any alleged assault.

(2) Any off-post incident involving an NCO or Officer.

(3) Any drug or alcohol offense involving an NCO or Officer.

(4) Any apprehension of 35th ADA BDE assigned personnel or their dependants by either military or civilian authorities.

**(5) Fraternization**

**(6) Domestic Disturbance**

**(7) AWOL**

**(8) EO Complaint / Sexual Harassment**

c. Defection or request for asylum, either by U.S. Soldier or requested of U.S. Government.

d. Any inquiry by media pertaining to incidents or soldiers and family members assigned to the brigade.

e. Any blotter incident not already reportable under this policy.

f. Any violation of a Brigade or Battalion Policy not previous addressed in this policy, (Curfew Violation, Under-age drinking, etc.). **(1-43 ADA)**

5W	IRC
Y	Y
Y	Y
Y	Y
Y	Y
Y	N
Y	N
Y	N
Y	N
Y	N
Y	N

7. Law enforcement reporting procedures.

a. Allegations of serious misconduct, especially rape, sexual assault, or indecent acts, made to the chain of command will be immediately reported to the unit Commander or First Sergeant.

b. The unit Commander or First Sergeant will notify Military Policy or Criminal Investigations Division (CID) and the Brigade Trial Counsel, providing the same information contained in the 5W sent to the BN Operations Center or Battalion Commander.

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c. The Battalion Commander or BOC will notify the Brigade Commander and Brigade Command Sergeant Major.

8. Additional reporting requirements. Incidents not reportable under this policy but must be reported to the appropriate staff officer. If not SIR/CCIR, they will be reported the next duty day after the incident by the Battery/Company Commander or First Sergeant via email.

a. Any incident resulting in mandatory attendance at the Brigade Alcohol Awareness training (BDE Safety).

b. Any incidents involving misconduct (BDE Legal).

c. Any accident (BDE Safety).

d. Incidents involving alcohol (Area ASAP Office).

9. Awareness Training. Commanders will ensure that all Non-Commissioned Officers, leaders, and supervisors are aware of this policy and have a copy of it for their future reference. A copy of this memorandum will be posted in all CQ, Staff Duty, and Brigade BOC instruction books.

10. 5W Reports and Incident Review Councils.

a. 5W Report – The 5W report serves as an initial report and contains only facts and no supposition. Leading language that is not measurable will not be used in a 5W report, i.e., “Minor Damage”, “Several Individuals” or “Small Fight”; strive to use measurable data when ever possible to avoid misunderstanding, i.e., “5 Inch Dent” or “4 Individuals”.

b. Incident Review Council, IRC – IAW 35<sup>th</sup> ADA Brigade Policy Letter #12, IRCs serve the purpose of identifying and correcting failures/errors (individual, leader, training, standards, equipment, etc.) associated with an SIR or CCIR as identified in paragraphs 3.a. and 3.b, above. Additional IRCs will be conducted as necessary.

(1) Composition – The Battalion Commander will lead the IRC, Battalion Executive Officers and Command Sergeants Major will serve as permanent members of the council, the Collateral Duty Safety Officer will serve as the recorder and prepare initial EXSUM of the council. The entire chain of command of those involved will be present. IRCs related to accidents will include the individuals involved in the accident. IRCs related to misconduct will not include the individuals.

(2) Elements of information to explore:

(a) Whether the soldier(s) were previously identified as high risk

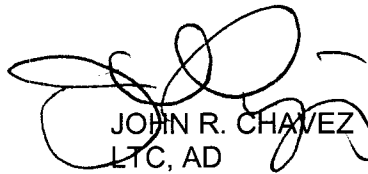
(b) Details of the incident.

(c) A review of the soldier’s monthly counseling records.

(d) Records related to the incident, photos, drivers licenses, blotter report if available, etc.

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- (e) Detailed accounting of the 48 hours preceding the incident.
  - (f) Actions the chain took to mitigate the incident occurrence.
  - (g) How the incident might have been prevented.
  - (h) Actions taken or pending with respect to the soldier and disciplinary standards.
- (3) The soldier chain of command will prepare a read ahead packet for the board prior to convening. The packet should include the following:
- (a) Full account of the incident.
  - (b) Discussion of the contributing factors.
  - (c) Leader actions in relation to the incident.
  - (d) Lessons learned.
  - (e) Corrective action plan.
- (4) Reporting timelines.
- (a) Verbal Notification. Bold items represent those situations requiring alerting the Battalion Commander regardless of the DTG. Other incidents after 0800 or before 2000 hours (to include weekends).
  - (b) 5Ws should be sent without delay following verbal notification in the format attached.
  - (c) IRCs, will be conducted the day following the incident or the first morning after a weekend or extended holiday. IRCs related to SIRs may be scheduled during the weekend as the situation dictates.
  - (d) EXSUMs from IRCs will be completed within 24 hours of the IRC and forwarded as appropriate.
11. A copy of this policy will be posted in all CQ and Staff Duty instruction books.

  
JOHN R. CHAVEZ  
LTC, AD  
Commanding